

AMENDED IN SENATE APRIL 14, 2005

**SENATE BILL**

**No. 914**

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**Introduced by Senator Kehoe**  
(Coauthor: Assembly Member Wyland)

February 22, 2005

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An act to add Section 597z to the Penal Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

SB 914, as amended, Kehoe. Animal cruelty.

Existing law makes ~~it's~~ *it* a crime to engage in animal cruelty, as specified.

This bill would ~~make it~~ *provide that, except as otherwise authorized under any other provision of law, it is* a misdemeanor for any person, other than ~~a~~ *an* organization that provides services as a public animal sheltering agency *or specified pet dealers or rescue groups*, to sell; ~~give away, or otherwise transfer~~ any dog under 8 weeks of age *unless that sale is approved by a licensed veterinarian*. By creating a new crime, this bill would impose a state-mandated local program upon local governments.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 597z is added to the Penal Code, to read:

597z. (a) ~~It~~ Except as otherwise authorized under any other provision of law, it shall be a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000), for any person to sell, give away, or otherwise transfer any dog under eight weeks of age, unless that sale is approved by a veterinarian licensed to practice in California as evidenced by written documentation.

(b) This section shall not apply to any ~~nonprofit~~ of the following:

(1) An organization, as defined in Section 501(c)(3) of the Internal Revenue Code, or any other organization that provides, or contracts to provide, services as a public animal sheltering agency.

(2) A pet dealer as defined under Article 2 (commencing with Section 122125) of Chapter 5 of Part 6 of Division 105 of the Health and Safety Code.

(3) A public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group regulated under Division 14 (commencing with Section 30501) of the Food and Agricultural Code.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.